

**SPECIFIC WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JUNE 2003 AGENDA**  
**Item No. WC-5**

<b>TITLE:</b> Request by <b>New Jerusalem Elementary School District</b> to waive <i>Education Code</i> (EC) 56362 (c); allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students. For Resource Specialist <b>Elizabeth Miller assigned at New Jerusalem Elementary School.</b>	<div><div>_____</div><div><b>ACTION</b></div></div> <div><div>_____</div><div><b>INFORMATION</b></div></div> <div><div>_____</div><div><b>PUBLIC HEARING</b></div></div> <div><div><u>  <b>X</b>  </u></div><div><b>CONSENT</b></div></div>
<b>CDSIS:</b> 17-4-2003	

**RECOMMENDATION:**

The Department recommends:

☒ Approval

☐ Denial

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**Summary of Previous State Board of Education Discussion and Action:** Both EC 56362 (c) and Title 5CCR 3100 allows the State Board of Education to approve waivers of Resource Specialists to exceed the maximum caseload of 28 students by not more than four students. However, there are very specific requirements in these regulations that must be met for approval, and if these requirements are not met, the waiver must be denied.

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**Summary of Key Issue(s):**

The **New Jerusalem Elementary School District (NJESD)** requests a waiver of EC Section 56362 (c), which states that caseloads for Resource Specialists shall be stated in local policies developed pursuant to Section 56195.8 and in accordance with regulations established by the board.

The **NJESD** is requesting this waiver because one Resource Specialist decided not to renew her credential, requiring another Resource Specialist to absorb the students from that class. The district is providing a 6-hour aide, and assures that all students will receive the services called for in their IEPs. The waiver request indicates the caseload for the Resource Specialist will not exceed the maximum statutory limit of 28 students by more than four students. Finally, during the summer the district states that they will hire another Resource Specialist.

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Authority for the waiver: *Education Code* Section 56101 and Title 5CCR 3100.

Bargaining unit(s) consulted on: March 19 & 20, 2003

Position of bargaining unit (choose only one):

☐

Neutral

☒

Support

☐

Oppose

Name of bargaining unit representative: Ellen McCray

Local board approval date: 3/23/03

Effective dates of request: 04/01/03-06/06/03

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**Fiscal Analysis (as appropriate): No known fiscal impacts.**

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**Background Information:** Waiver request forms and supporting documents are available in the Waiver Office upon request..